

111TH CONGRESS
1ST SESSION

S. 1423

To amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2009

Mrs. BOXER (for herself and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicaid Birth Center
5 Reimbursement Act”.

6 **SEC. 2. COVERAGE UNDER MEDICAID FOR FREESTANDING**
7 **BIRTH CENTER SERVICES.**

8 (a) IN GENERAL.—Section 1905 of the Social Secu-
9 rity Act (42 U.S.C. 1396d) is amended—

10 (1) in subsection (a)—

1 (A) by redesignating paragraph (28) as
 2 paragraph (29);

3 (B) in paragraph (27), by striking at the
 4 end “and”; and

5 (C) by inserting after paragraph (27) the
 6 following new paragraph:

7 “(28) freestanding birth center services (as de-
 8 fined in subsection (1)(3)(A)) and other ambulatory
 9 services that are offered by a freestanding birth cen-
 10 ter (as defined in subsection (1)(3)(B)) and that are
 11 otherwise included in the plan; and”;

12 (2) in subsection (1), by adding at the end the
 13 following new paragraph:

14 “(3)(A) The term ‘freestanding birth center services’
 15 means services furnished to an individual at a freestanding
 16 birth center (as defined in subparagraph (B)), including
 17 by a licensed birth attendant (as defined in subparagraph
 18 (C)) at such center.

19 “(B) The term ‘freestanding birth center’ means a
 20 health facility—

21 “(i) that is not a hospital; and

22 “(ii) where childbirth is planned to occur away
 23 from the pregnant woman’s residence.

24 “(C) The term ‘licensed birth attendant’ means an
 25 individual who is licensed or registered by the State in-

1 volved to provide health care at childbirth and who pro-
 2 vides such care within the scope of practice under which
 3 the individual is legally authorized to perform such care
 4 under State law (or the State regulatory mechanism pro-
 5 vided by State law), regardless of whether the individual
 6 is under the supervision of, or associated with, a physician
 7 or other health care provider. Nothing in this subpara-
 8 graph shall be construed as changing State law require-
 9 ments applicable to a licensed birth attendant.”.

10 (b) CONFORMING AMENDMENT.—Section
 11 1902(a)(10)(A) of the Social Security Act (42 U.S.C.
 12 1396a(a)(10)(A)) is amended by striking “and (21)” and
 13 inserting “, (21), and (28)”.

14 (c) EFFECTIVE DATE.—

15 (1) IN GENERAL.—Except as provided in para-
 16 graph (2), the amendments made by this section
 17 shall take effect 90 days after the date of the enact-
 18 ment of this Act and shall apply to services fur-
 19 nished on or after such date.

20 (2) EXCEPTION IF STATE LEGISLATION RE-
 21 QUIRED.—In the case of a State plan for medical as-
 22 sistance under title XIX of the Social Security Act
 23 which the Secretary of Health and Human Services
 24 determines requires State legislation (other than leg-
 25 islation appropriating funds) in order for the plan to

1 meet the additional requirement imposed by the
2 amendments made by this section, the State plan
3 shall not be regarded as failing to comply with the
4 requirements of such title solely on the basis of its
5 failure to meet this additional requirement before
6 the first day of the first calendar quarter beginning
7 after the close of the first regular session of the
8 State legislature that begins after the date of the en-
9 actment of this Act. For purposes of the previous
10 sentence, in the case of a State that has a 2-year
11 legislative session, each year of such session shall be
12 deemed to be a separate regular session of the State
13 legislature.

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